

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Air Pollution Control Board
Division:	Air Pollution Control
Contact Person:	Paul D. LaRock William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 15th Floor
Address:	Nashville, Tennessee 37243
Phone:	(615) 532-0545
Email:	Paul.LaRock@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue, 22nd Floor
Address:	Nashville, Tennessee 37243
Phone:	1-866-253-5827 (toll free) or 615-532-0200 Hearing impaired callers may use the TN Relay Service 1-800-848-0298
Email:	Jennifer.Katzenmiller@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Conference Room A, 15 th Floor
Address 2:	William R. Snodgrass Tennessee Tower 312 Rosa L. Parks Avenue
City:	Nashville, Tennessee
Zip:	37243
Hearing Date :	10/08/19
Hearing Time:	9:30 A.M. <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

If it is hard for you to read, speak, or understand English, TDEC may be able to provide translation or interpretation services free of charge. Please contact Lida Warden at 615-532-0554 for more information.

On October 5, 2016, the Environmental Protection Agency ("EPA") issued a final rule revising its public notice regulations for the New Source Review and Title V permit programs. This final rule removed the mandatory requirement to provide public notice for draft permits and other program actions by newspaper publication and instead provided for the electronic notice (e-notice) of these actions. Following EPA's ruling, the Tennessee Air Pollution Control Board is proposing a series of rule changes to eliminate the requirement of newspaper publishing of public notices for construction permits, permit rescissions, and major source permitting.

Additionally, an April 2012 memorandum from the EPA states the following in regards to New Source Review (NSR) public notice:

[F]or purposes of minor NSR programs and permits, the "prominent advertisement" requirement at 40 CFR 51.161(b)(3) is media neutral. A state program may meet that requirement by using newspapers to publish those notices, or may opt to publish such notices elsewhere as long as it is reasonable to conclude that the public would have routine and ready access to any alternative publishing venues used and the use of the alternative publishing venues is consistent with the state's law or SIP."

There will be a public hearing before the Technical Secretary of the Tennessee Air Pollution Control Board for the promulgation of amendments to the Tennessee Air Pollution Control Regulations under the authority of Tenn. Code Ann. § 68-201-105. The comments received at this hearing will be distributed to the members of the Tennessee Air Pollution Control Board for their review in regard to the proposed rule amendments. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-201 et seq. and will take place in Conference Room A of the William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

Written comments not submitted at the public hearing will be included in the hearing record only if received by the close of business on October 8, 2019 at the following address: Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

Any individuals with disabilities who wish to participate in these proceedings or to review these filings should contact the Tennessee Department of Environment and Conservation to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be in person, by writing, telephone, or other means, and should be made no less than ten days prior to October 8, 2019 or the date such party intends to review such filings, to allow time to provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 22nd Floor, Nashville, Tennessee 37243, (615) 532-0200. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

If you have any questions about the origination of these rule changes, you may contact Paul LaRock. For information about reviewing these documents, please contact Paul LaRock, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243, telephone (615) 532-0093.

Revisions considered at this hearing may be adopted by the Tennessee Air Pollution Control Board under Tenn. Code Ann. § 68-201-105, the Board general authority to promulgate rules.

Materials concerning the proposed actions will be available at www.tn.gov/environment/topic/ppo-air and also for public inspection during normal working hours starting on September 9, 2019, at the office of the Technical Secretary and the public depositories listed below:

Air Pollution Control Division 15th Floor, WR Snodgrass TN Twr 312 Rosa L. Parks Avenue Nashville, TN 37243	Pollution Control Division Metropolitan Health Dept. 2500 Charlotte Avenue Nashville, TN 37209	Air Pollution Control Division Cookeville EFO 1221 South Willow Avenue Cookeville, TN 38506
Air Pollution Control Division Knoxville EFO 3711 Middlebrook Pk., Suite 220 Knoxville, TN 37921	Air Pollution Control Division Johnson City EFO 2305 Silverdale Road Johnson City, TN 37601-2162	Air Pollution Control Division Jackson EFO 1625 Hollywood Drive Jackson, TN 38305
Air Pollution Control Division Columbia EFO 1421 Hampshire Pike Columbia, TN 38401	Knox County Department of Air Quality Management 140 Dameron Avenue, Suite 242 Knoxville, TN 37917	Air Pollution Control Program Memphis /Shelby County Health Dept. 814 Jefferson Avenue Memphis, TN 38105
Air Pollution Control Division Chattanooga EFO 1301 Riverfront Parkway, Suite 206 Chattanooga, TN 37402	Air Pollution Control Division Nashville EFO 711 R. S. Gass Boulevard Nashville, TN 37243	Kingsport Public Library 400 Broad Street Kingsport, TN 37660
Chattanooga-Hamilton County	U.S. EPA, Region IV, c/o Mr. Scott Davis, Chief	

Air Pollution Control Bureau
6125 Preservation Drive
Chattanooga, TN 37416

APTMD - 12th Floor, Atlanta Federal Center
61 Forsyth Street S.W.
Atlanta, GA 30303

All persons interested in the air quality of the state of Tennessee are urged to attend and will be afforded the opportunity to present testimony to the hearing officer regarding the promulgation of amendments to the Tennessee Air Pollution Control Regulations. Any person desiring to present lengthy comments should be prepared at the hearing to offer a written statement to be incorporated into the record. Written statements not presented at the hearings will only be considered part of the records if received by 4:30 p.m. CDT on October 8, 2019, at the office of the Technical Secretary, Tennessee Air Pollution Control Board, William R. Snodgrass Tennessee Tower, 312 Rosa L. Parks Avenue, 15th Floor, Nashville, Tennessee 37243.

Revision Type (check all that apply):

☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1200-03-09	Construction and Operating Permits
Rule Number	Rule Title
1200-03-09-.01	Construction Permits
1200-03-09-.02	Construction and Operating Permits

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Chapter 1200-03-09
Construction and Operating Permits

Amendments

Subparagraph (h) of paragraph (1) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (h) The Department shall on a monthly basis notify the public, via electronic notice on the Tennessee Department of Environment and Conservation website, of the applicants seeking to obtain a permit to construct or modify an air contaminant source. The notice shall specify the general vicinity or location of the proposed source or modification, the type of source or modification, and opportunity for public comment. Comments shall be in writing and delivered to the Technical Secretary within 30 days after the date of public notice. Unless otherwise specified in the general permit, the requirements of this subparagraph are considered to be met for notices of intent for general permits as described in Rule 1200-03-09-.06 by monthly publication on the Department's website of a list of applicants for coverage under a general permit for construction or modification of an air contaminant source.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Subpart (vi) of part 7 of subparagraph (a) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (vi) If the Technical Secretary rescinds a permit under this paragraph, the public shall be given adequate notice of the rescission. Electronic notification of an announcement of permit rescission on the Tennessee Department of Environment and Conservation website within 60 days of the rescission shall be considered adequate notice.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Subpart (iii) of part 2 of subparagraph (l) of paragraph (4) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (iii) Notify the public, via electronic notice on the Tennessee Department of Environment and Conservation website, of the application, the preliminary determination, the degree of increment consumption that is expected from the proposed source construction or modification, and the opportunity for comment at a public hearing as well as written public comment.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Item (III) of subpart (viii) of part 2 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) If the Technical Secretary rescinds a permit under this subparagraph, the public shall be given adequate notice of the rescission. Electronic notice of an announcement of rescission on the Tennessee Department of Environment and Conservation website within 60 days of the rescission shall be considered adequate notice.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Item (III) of subpart (i) of part 3 of subparagraph (b) of paragraph (5) of Rule 1200-03-09-.01 Construction Permits is amended by deleting it in its entirety and substituting instead the following:

- (III) Electronic notice on the Tennessee Department of Environment and

Conservation website of the source information and analysis specified in Item (I) of this subpart. Should newspaper publication of the notice be deemed necessary by the Technical Secretary, the applicant shall bear the cost of such publication.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

Item (I) of subpart (i) of part 8 of paragraph (f) of paragraph (11) of Rule 1200-03-09-.02 Construction and Operating Permits is amended by deleting it in its entirety and substituting instead the following:

- (I) Notice shall be given via electronic notice on the Tennessee Department of Environment and Conservation website or by other means designated by the Technical Secretary if necessary to assure adequate notice to the affected public. Should newspaper publication of the notice be deemed necessary the applicant shall bear the expense of the newspaper notice. Notice shall also be given by the Technical Secretary to persons on a mailing list who meet the following criteria:
 - I. Such persons shall request to be on the list in writing on an annual basis.
 - II. Such persons shall pay a fee of \$10.00 per year to the Department to defray the cost of postage and handling and list management.

Authority: T.C.A. §§ 68-201-101 et seq. and 4-5-201 et seq.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: _____

Signature: _____

Name of Officer: Michelle W. Owenby

Title of Officer: Director, Tennessee Division of Air Pollution Control

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Department of State Use Only

Filed with the Department of State on: _____

Tre Hargett
Secretary of State